

Message Text

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PAGE 01 LONDON 11155 301828Z

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ACTION IO-14

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

DOTE-00 EB-11 INR-11 NSAE-00 RSC-01 FAA-00 SP-03

AID-20 NSC-07 CIEP-03 TRSE-00 SS-20 STR-08 OMB-01

CEA-02 PM-07 H-03 L-03 PA-04 PRS-01 USIA-15 DRC-01

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R 301728Z AUG 74

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 3469

INFO AMEMBASSY PARIS

AMCONSUL MONTREAL

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E.O. 11652: N/A

TAGS: ETRN, FR, CA

SUBJ: ICAO LEGAL COMMITTEE 1974

1. US REP DESIGNATED FOR FORTHCOMING ICAO LEGAL COMMITTEE (GAITHER) MEETING MET IN LONDON SEPARATELY WITH ARNOLD KEAN OF BRITISH CAA AND GILBERT GUILLAUME, FRENCH CHAIRMAN OF LEGAL COMMITTEE TO DISCUSS FORTHCOMING SESSION OF LEGAL COMMITTEE IN MONTREAL. FOLLOWING ARE RESULTS THESE CONVERSATIONS:

(A) WARSAW CONVENTION:

(I) DOCUMENTATION: KEAN INDICATED UK CONCURRENCE IN IATA POSITION ON DOCUMENTATION WITH QUALIFICATION THAT POSITION DOES NOT GO FAR ENOUGH IN AMENDING THE WARSAW ARTICLES. UK AGREES WITH US IN TERMS OF IMPORTANCE OF AMENDMENTS. GUILLAUME INDICATED GENERAL AGREEMENT WITH IATA POSITION BUT NOTED FRANCE WOULD INSIST THAT THERE BE A REQUIREMENT FOR A RECEIPT TO BE GIVEN TO THE SHIPPER. THIS REQUIREMENT WOULD NOT BE LIMITED OFFICIAL USE

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PAGE 02 LONDON 11155 301828Z

DISCRETIONARY, HOWEVER FORM WAS NOT IMPORTANT.

(II) REGIME OF LIABILITY: KEAN INDICATED UK COULD NOT REPEAT NOT ACCEPT STRICT LIABILITY. GUILLAUME INDICATED FRANCE WAS OPEN ON THIS ISSUE DEPENDING ON THE DEFENSES.

(III) LIMITS OF LIABILITY: KEAN AT FIRST INDICATED THAT LIMITS COULD PERHAPS BE RAISED BUT ON BEING PRESSED EXPRESSED VIEW LIMITS WERE ADEQUATE AT PRESENT LEVEL. GUILLAUME INDICATED PRESENT LIMITS WERE ADEQUATE.

2. ROME CONVENTION: KEAN INDICATED UK OPPOSED ANY CHANGES IN THE ROME CONVENTION. HE NOTED GUILLAUME MIGHT WISH TO RAISE LIMITS AND AGREED THAT IATA WOULD THEN WISH TO HAVE ITS PROPOSALS DISCUSSED. GUILLAUME STATED THAT AS CHAIRMAN LEGAL COMMITTEE HE HAS RECEIVED COMMENTS ONLY FROM MAJOR AVIATION COUNTRIES TO HIS QUERY ON THE AGENDA, BUT THAT AT PRESENT TIME HE PLANNED TO LIMIT DISCUSSION OF THE ROME CONVENTION BOTH AS TO TIME AND TO AGENDA. TIME PROBABLY WOULD BE THREE DAYS AND AGENDA WOULD BE LIMITED TO RAISING THE LIMITS. HE INDICATED FRANCE WOULD NOT WISH TO CHANGE THE ROME CONVENTION BUT AS CHAIRMAN HE DID NOT WANT TO SEE THE CONVENTION DIE WHICH IT MIGHT OCCUR IF THE LIMITS WERE NOT RAISED. ACCORDINGLY, HE PLAND DISCUSSION ON LIMITS WITH END RESULT OF RECOMMENDATION THAT CONVENTION BE SENT ON TO A DIPLOMATIC CONFERENCE AT SAME TIME AS WARSAW CONVENTION. HE HAD NO SUGGESTION AS TO WHAT THE LIMITS MIGHT BE BUT SUGGESTED THAT THE GUATEMALA LIMITS WOULD PROBABLY BE BASIS OF DISCUSSION. HE FELT THE QUESTION OF LIMITS SHOULD PRIMARILY BE DECIDED BY THOSE STATES PARTY TO ROME.

3. MAIL: KEAN EXPRESSED HOPE THAT US COULD SUPPORT UK PROPOSAL WHICH HE SAID BASED ON CONCERN THAT THERE NOT BE DOUBLE LIABILITY--I.E., BOTH CARRIER AND POSTAL AUTHORITY LIABILITY. GUILLAUME HAD NO COMMENTS ON MAIL.

4. GOLD ISSUE: KEAN INDICATED HE WOULD BE UNDER INSTRUCTIONS FROM UK TREASURY (ALSO CONFIRMED BY UK DELEGATION TO IMCO PANEL OF EXPERTS MEETING) TO RAISE THE QUESTION OF GOLD IN THE LEGAL COMMISSION WITH A LIMITED OFFICIAL USE

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PAGE 03 LONDON 11155 301828Z

REQUEST THAT IT BE TAKEN UP BY THE LEGAL COMMITTEE. UKG WOULD PEG PRICE OF GOLD TO OFFICIAL PRICE (NOT MARKER PRICE) WITH CLAUSE THAT IF OFFICIAL PRICE SYSTEM DROPPED THE SYSTEM TO BE USED WOULD BE A SPECIAL DRAWING RIGHTS TYPE OF MONETARY SYSTEM. GUILLAUME EXPECTED GOLD TO BE RAISED IN THE CONTEXT OF WARSAW CONVENTION AND INDICATED THAT FRANCE WISHED CONVENTION SPECIFY THAT GOLD WOULD BE PEGGED TO THE OFFICIAL PRICE (AS OPPOSED TO

MARKET PRICE). THE FRENCH WERE OPPOSED REPEAT OPPOSED TO GOING BEYOND THE OFFICIAL PRICE AND INCLUDING A PROVISION ON A SDR FORMULA. GUILLAUME INDICATED THAT IF THE GOLD ISSUE WERE NOT RESOLVED IN THE WARSAW CONVENTION FRANCE WOULD HAVE DIFFICULTY SIGNING THE GUATEMALA PROTOCOL. BOTH KEAN AND GUILLAUME AGREED THAT THE GOLD ISSUE COULD NOT BE DISCUSSED SOLELY IN THE CONTEXT OF AVIATION BUT BOTH EXPRESSED THE VIEW THAT BY RAISING IT NOW IN THE CONTEXT OF THE WARSAW CONVENTION GOVERNMENTS WOULD HAVE AN OPPORTUNITY TO REVIEW THE MATTER PRIOR TO A DIPLOMATIC CONFERENCE. BOTH NOTED THAT THE MATTER WOULD HAVE TO TAKE INTO ACCOUNT MARITIME CONVENTIONS IN PARTICULAR.

5. MISCELLANEOUS: GUILLAUME ASKED WHERE THE US STOOD WITH RESPECT TO RATIFICATION OF THE GUATEMALA PROTOCOL. GAITHER INDICATED THAT ON THE BASIS OF HIS LATEST INFORMATION IT WAS EXPECTED THAT THE PROCESS HEADING TOWARDS RATIFICATION WOULD COMMENCE SOMETIME THIS FALL. GUILLAUME ASKED IF IT WOULD BE POSSIBLE TO OBTAIN A COPY OF THE SUPPLEMENTAL INSURANCE PLAN, AND GAITHER UNDERTOOK TO INQUIRE AS TO THE POSSIBILITIES AND INDICATED THAT HE WOULD SO INFORM HIM IN MONTREAL.

6. BOTH MEETINGS WERE MOST CORDIAL AND DISCUSSIONS FRANK AND OPEN.
SOHM

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